

**LOUISIANA BOARD OF ETHICS**

**STATE OF LOUISIANA**

**IN THE MATTER OF**

**BOARD DOCKET NO. 2012-388**

**SHERIFF ROYCE TONEY**

---

**DECLARATORY OPINION:**

On May 16, 2012, Attorney R. Gray Sexton submitted a request for a declaratory opinion on behalf of Sheriff Royce Toney ("Toney"). By Act 24 of the 2008 1<sup>st</sup> Extraordinary Legislative Session, R.S. 42:1141.1 provides that on application of a person, the Louisiana Board of Ethics ("Board") may declare rights, status, and other legal relations established by the provisions of this Chapter or by any other law within its jurisdiction or under opinions issued by the Board, either before or after there has been breach thereof.

**I.**

**FACTS**

**1.**

Sheriff Toney has been indicted in the Western District of Louisiana on allegations that he used the Sheriff's office computer system to access the e-mail account of an employee of the Ouachita Parish Sheriff's Office and that he retaliated against the employee by initiating an internal affairs investigation against the employee. There are further allegations that Toney obstructed justice by reformatting and installing a new operating system in the Sheriff's office.

2.

The indictment states that “At all relevant times herein the defendant was the elected Sheriff of Ouachita Parish.” The conduct described in Counts 1-10 allege that Sheriff Toney used the Sheriff’s office computer system to track the communications of a former employee of the Ouachita Parish Sheriff’s office (OPSO).

3.

Counts 11-19 allege that Sheriff Toney used the identity of another to access e-mails with the intent to commit fraud and related activity in connection with office computers.

4.

Count 20 alleges that Sheriff Toney obstructed justice by tampering with a criminal investigation of the FBI by reformatting and installing a new operating system in the Sheriff’s office.

5.

Count 21 alleges that Sheriff Toney retaliated against an individual for providing truthful information regarding a federal investigation.

## **II.**

### **ISSUE**

May Sheriff Toney use his campaign funds to pay the legal fees he has incurred in connection with the federal indictment?

### **III.**

#### **LAW**

#### **§ 1505.2. Contributions; expenditures, certain prohibitions and limitations**

\*\*\*

- I. (1) Contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned or pledged by any person for any personal use unrelated to a political campaign, the holding of a public office or party position, or, in the case of a political committee, other than a candidate's principal campaign committee or subsidiary committee, the administrative costs or operating expenses of the political committee.

### **IV.**

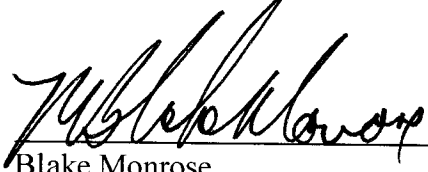
#### **OPINION**

The Board of Ethics, by a vote of five yeas and two nays, concluded that Sheriff Royce Toney may not use his campaign funds to pay the legal fees he has incurred in connection with federal indictment.


Although Sheriff Toney was Sheriff of Ouachita Parish at all relevant times the conduct allegedly took place in the indictment, all actions he took while Sheriff were not related to the holding of his public office. More specifically the actions taken this particular case were not related to the holding of Sheriff Toney's public office. Therefore, the expenditure of campaign funds on legal fees, based on the facts of this case and the timing of this request, is not permitted.


[SIGNATURE INFORMATION CONTAINED ON THE FOLLOWING PAGE]

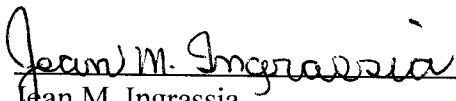
By Order of the Board this 20th day of July, 2012.

  
Blake Monroe

Absent and did not participate.  
Renea Austin-Duffin

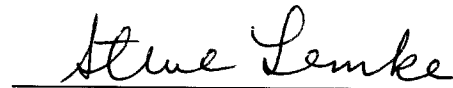
  
Terry D. Backhaus

  
Julia E. Blewer

  
Jean M. Ingrassia

Absent and did not participate.  
Vanessa Caston LaFleur

  
Dr. Louis W. Leggio

  
Dr. Steve W. Lemke

  
Robert W. McAnelly

Absent and did not participate.  
Scott D. Schneider

Absent and did not participate.  
David Grove Stafford, Jr.